

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JASON STORRS, and AMBER SMITH,

Plaintiffs,

vs.

TRAVIS ROZEBOOM, in his individual capacity; PRESTON MAAS, in his individual capacity; and BRIAN MALONE, in his individual capacity;

Defendants.

8:21CV175

**FINAL PROGRESSION ORDER
(AMENDED)**

IT IS ORDERED that parties' stipulated motion to modify the final progression order is granted. ([Filing No. 57](#)). The parties request amendment of the expert identification and disclosure deadlines only, all other unexpired deadlines remain unchanged. The progression order is as follows:

- 1) The telephonic status conference set for March 29, 2022 at 10:00 a.m. is unaffected by this order. (see Filing No. 56).
- 2) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#))), are:

For the plaintiff(s):	April 1, 2022.
For the defendant(s):	May 16, 2022.

- 3) The deadlines for complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#))), are:

For the plaintiff(s):	April 1, 2022.
For the defendant(s):	May 16, 2022.

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

Plaintiff(s)' rebuttal: June 1, 2022.

- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is March 29, 2022.
- 5) The deadline for filing motions to dismiss and motions for summary judgment is April 29, 2022.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is April 29, 2022.
- 7) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 26th day of January, 2022.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge